

## § 21.25

## 14 CFR Ch. I (1–1–21 Edition)

and (b) of this section must be submitted in English.

[Doc. No. 23345, 57 FR 41367, Sept. 9, 1992, as amended by Amdt. 21–75, 62 FR 62808, Nov. 25, 1997; Doc. No. FAA–2015–1621, Amdt. 21–100, 81 FR 96689, Dec. 30, 2016]

### § 21.25 Issue of type certificate: Restricted category aircraft.

(a) An applicant is entitled to a type certificate for an aircraft in the restricted category for special purpose operations if he shows compliance with the applicable noise requirements of Part 36 of this chapter, and if he shows that no feature or characteristic of the aircraft makes it unsafe when it is operated under the limitations prescribed for its intended use, and that the aircraft—

(1) Meets the airworthiness requirements of an aircraft category except those requirements that the FAA finds inappropriate for the special purpose for which the aircraft is to be used; or

(2) Is of a type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force of the United States and has been later modified for a special purpose.

(b) For the purposes of this section, “special purpose operations” includes—

(1) Agricultural (spraying, dusting, and seeding, and livestock and predatory animal control);

(2) Forest and wildlife conservation;

(3) Aerial surveying (photography, mapping, and oil and mineral exploration);

(4) Patrolling (pipelines, power lines, and canals);

(5) Weather control (cloud seeding);

(6) Aerial advertising (skywriting, banner towing, airborne signs and public address systems); and

(7) Any other operation specified by the FAA.

[Doc. No. 5085, 29 FR 14564, Oct. 24, 1964, as amended by Amdt. 21–42, 40 FR 1033, Jan. 6, 1975]

### § 21.27 Issue of type certificate: surplus aircraft of the Armed Forces.

(a) Except as provided in paragraph (b) of this section an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, com-

muter, or transport category that was designed and constructed in the United States, accepted for operational use, and declared surplus by, an Armed Force of the United States, and that is shown to comply with the applicable certification requirements in paragraph (f) of this section.

(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces of the United States that is a counterpart of a previously type certificated civil aircraft, if he shows compliance with the regulations governing the original civil aircraft type certificate.

(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces aircraft, for which a type certificate is sought under this section, will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the product provides substantially the same level of airworthiness as would be provided if the engines or propellers were type certificated under Part 33 or 35 of this subchapter.

(d) The FAA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this section, if the FAA finds that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with those regulations would impose a severe burden on the applicant. The FAA may use experience that was satisfactory to an Armed Force of the United States in making such a determination.

(e) The FAA may require an applicant to comply with special conditions and later requirements than those in paragraphs (c) and (f) of this section, if the FAA finds that compliance with the listed regulations would not ensure an adequate level of airworthiness for the aircraft.

(f) Except as provided in paragraphs (b) through (e) of this section, an applicant for a type certificate under this section must comply with the appropriate regulations listed in the following table:

Type of aircraft	Date accepted for operational use by the Armed Forces of the United States	Regulations that apply <sup>1</sup>
Small reciprocating-engine powered airplanes	Before May 16, 1956 .....	CAR Part 3, as effective May 15, 1956.
	After May 15, 1956 .....	CAR Part 3, or 14 CFR Part 23.
Small turbine engine-powered airplanes .....	Before Oct. 2, 1959 .....	CAR Part 3, as effective Oct. 1, 1959.
	After Oct. 1, 1959 .....	CAR Part 3 or 14 CFR Part 23.
Commuter category airplanes .....	After (Feb. 17, 1987) .....	
	FAR Part 23 as of (Feb. 17, 1987).. Before Aug. 26, 1955 .....	CAR Part 4b, as effective Aug. 25, 1955.
Large reciprocating-engine powered airplanes	After Aug. 25, 1955 .....	CAR Part 4b or 14 CFR Part 25.
Large turbine engine-powered airplanes .....	Before Oct. 2, 1959 .....	CAR Part 4b, as effective Oct. 1, 1959.
	After Oct. 1, 1959 .....	CAR Part 4b or 14 CFR Part 25.
Rotorcraft with maximum certificated takeoff weight of:		
6,000 pounds or less .....	Before Oct. 2, 1959 .....	CAR Part 6, as effective Oct. 1, 1959.
	After Oct. 1, 1959 .....	CAR Part 6, or 14 CFR Part 27.
Over 6,000 pounds .....	Before Oct. 2, 1959 .....	CAR Part 7, as effective Oct. 1, 1959.
	After Oct. 1, 1959 .....	CAR Part 7, or 14 CFR Part 29.

<sup>1</sup> Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the Armed Forces.

[Doc. No. 5085, 29 FR 14564, Oct. 24, 1964, as amended by Amdt. 21-59, 52 FR 1835, Jan. 15, 1987; 52 FR 7262, Mar. 9, 1987; 70 FR 2325, Jan. 13, 2005; Amdt. 21-92, 74 FR 53386, Oct. 16, 2009]

#### §21.29 Issue of type certificate: import products.

(a) The FAA may issue a type certificate for a product that is manufactured in a foreign country or jurisdiction with which the United States has an agreement for the acceptance of these products for export and import and that is to be imported into the United States if—

(1) The applicable State of Design certifies that the product has been examined, tested, and found to meet—

(i) The applicable aircraft noise, fuel venting, and exhaust emissions requirements of this subchapter as designated in §21.17, or the applicable aircraft noise, fuel venting, and exhaust emissions requirements of the State of Design, and any other requirements the FAA may prescribe to provide noise, fuel venting, and exhaust emission levels no greater than those provided by the applicable aircraft noise, fuel venting, and exhaust emission requirements of this subchapter as designated in §21.17; and

(ii) The applicable airworthiness requirements of this subchapter as designated in §21.17, or the applicable airworthiness requirements of the State of Design and any other requirements the FAA may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in §21.17;

(2) The applicant has provided technical data to show the product meets the requirements of paragraph (a)(1) of this section; and

(3) The manuals, placards, listings, and instrument markings required by the applicable airworthiness (and noise, where applicable) requirements are presented in the English language.

(b) A product type certificated under this section is considered to be type certificated under the noise standards of part 36 of this subchapter and the fuel venting and exhaust emission standards of part 34 of this subchapter. Compliance with parts 36 and 34 of this subchapter is certified under paragraph (a)(1)(i) of this section, and the applicable airworthiness standards of this subchapter, or an equivalent level of safety, with which compliance is certified under paragraph (a)(1)(ii) of this section.

[Amdt. 21-92, 74 FR 53386, Oct. 16, 2009]

#### §21.31 Type design.

The type design consists of—

(a) The drawings and specifications, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the product shown to comply with the requirements of that part of this subchapter applicable to the product;